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PATENT & TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

38-51

Applicant: Roberto A. Gaxiola, Gerald R. Fink and Seth L. Alper
Application No.: 09/834,998 Group: 1638
Filed: April 13, 2001 Examiner: C.E. Collins
Confirmation No.: 4319
For: PROTON TRANSPORTERS AND USES IN PLANTS

CERTIFICATE OF MAILING OR TRANSMISSION

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REPLY TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Responsive to the Restriction Requirement dated March 21, 2003, the claims of Group VIII (Claims 65-73) drawn to a transgenic plant transformed with an exogenous nucleic acid which alters the expression of vacuolar pyrophosphatase and an Na^+/H^+ antiporter, and a method of making a transgenic plant are elected for prosecution. Applicant reserves the right to file a continuing application or take such other appropriate action as deemed necessary to protect the non-elected inventions. Applicant does not hereby abandon or waive any rights in the non-elected inventions.

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An extension of time to respond to the Restriction Requirement is respectfully requested.
A Petition for an Extension of Time and the appropriate fee are being filed concurrently.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By Anne J. Collins
Anne J. Collins
Registration No. 40,564
Telephone: (978) 341-0036
Facsimile: (978) 341-0136

Concord, MA 01742-9133

Dated:

September 19, 2003